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ABSTRACT

This paper examines trends in the support of public higher education versus that for prisons in New York State over the last decade and concludes that the dramatic rise in funding for prison expansion has come at the expense of higher education. The paper notes that (1) since fiscal year 1988, operating budgets at New York's public universities have plummeted by 29 percent while funding for prisons has increased by 76 percent, a nearly equal trade-off in actual dollars; in 1995 New York ranked forty-fifth among states in per capita state appropriations for higher education, even though the state has the fourth highest per capita income in the nation. Also noted is that the Rockefeller drug laws and the second offender law have resulted in fully 62.5 percent of the people sent to prison in 1997 being committed for nonviolent offenses at a cost to the state of $680 million yearly; during the same period substantial tuition hikes at the State University of New York and City University of New York were imposed to compensate for the $615 million reduction in state higher education funding. The paper urges that these laws be repealed and replaced with cheaper, more effective drug treatment programs. (Contains 18 endnotes.) (DB)

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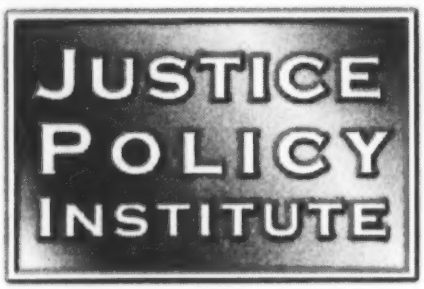

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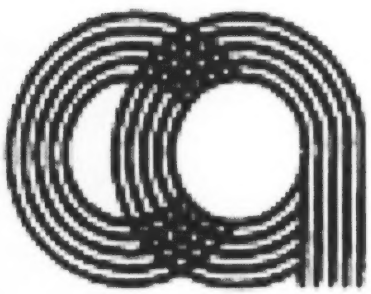

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New York State of Mind?:

Higher Education vs. Prison Funding in the Empire State, 1988-1998

*By Robert Gangi, Vincent Schiraldi & Jason Ziedenberg**

"NEW YORK'S PUBLIC SYSTEM OF HIGHER EDUCATION REMAINS ONE OF THE BEST BARGAINS FOR A HIGH QUALITY EDUCATION IN AMERICA." -Governor George Pataki, during a press conference on April 26th, 1998 when he announced his veto of over $40 million dollars worth of higher education funding.

POLICY REPORT

Last spring, just days before New Yorkers were to mark the 25th anniversary of the state's Rockefeller Drug Laws - a mandatory sentencing scheme that requires long prison terms for the possession or sale of a relatively small amount of drugs - Gov. George Pataki announced a series of vetoes to the state budget. These funding reductions illustrate the troubling shift in government priorities taking place in New York.

On April 26, Gov. Pataki vetoed $500 million for school construction, $77 million for teacher salary enhancement, and cut $17.32 million from the State University of New York's (SUNY) budget, and $ 8.6 million from the City University of New York's (CUNY) budget. Gov. Pataki also cut $ 8.8 million from SUNY, and $7.5 million from CUNY for the hiring of more faculty, and $ 13.5 million for a program that would have given students a $65 credit for textbook purchases.[1]

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Cuts were also made in funding for libraries, local community organizations, corrections officers, legal services and the nation's first "cancer map," which would have shown the extent of breast cancer incidences on Long Island. Significantly, the Governor also vetoed wording in the budget that would have hindered the construction of a $180 million maximum-security prison in the Finger Lakes Region.[2]

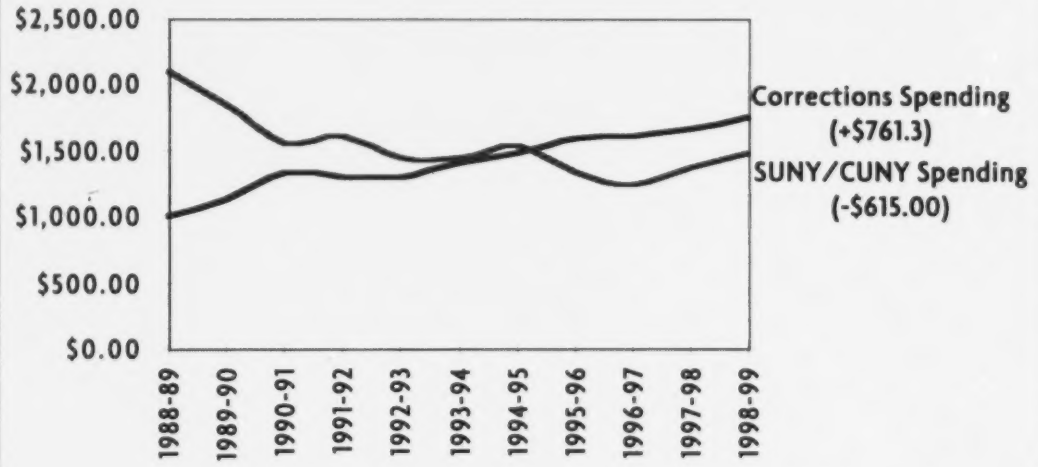
Since fiscal year 1988, New York's public universities have seen their operating budgets plummet by 29% while funding for prisons has increased by 76%.

The vetoes were emblematic, not only of the current administration's priorities, but of trends in the Empire State and across the country. The dramatic rise in funding for prison expansion has come at the expense of worthwhile social projects like higher education.

Diminishing Resources for New York's Higher Education System, as Prison Budgets Grow

New York is spending almost twice what it did to run its prisons a decade ago. Since fiscal year 1988, New York's public universities have seen their states' support for their operating budgets plummet by 29% while funding for prisons has increased by 76%. ***In actual dollars, there has nearly been an equal trade-off***, with the Department of Correctional Services receiving a $761 million increase during that time while state funding for New York's city and state university systems has declined by $615 million. Whereas New York spent more than twice as much on universities than on prisons in 1988, the state now spends $275 million more on prisons than on state and city colleges. The 1997-98 figures represent only the corrections operating cost, *and do not include the $300 million approved for the construction of 3,100 new prison spaces approved in the state budget for that year.*[3]

Table 1: Higher Education Funding vs. Prison Funding in the Empire State, 1988-1998. (in the millions)*



** Data summary provided by the New York State Senate Minority Finance Staff.*

In fairness, this funding trend began long before Governor Pataki took office in January, 1995. **That year, New York already ranked 45th out of all the states in terms of per capita state appropriations for higher education - even though the state has the fourth highest per capita income in the nation**[4]. The Cuomo administration held stewardship of New York prisons and universities for six of the last ten years, and initiated the shifting of public monies from higher education to corrections recounted in this report. But the current administration's funding decisions have increased the gap between higher education and corrections spending. Indeed, Governor Pataki's first year in office represented the first time that New York spent more operating its prisons ($1.6 billion) than on higher education ($1.3 billion). The last four budgets have seen the operating expenditures for prisons rise by $287 million dollars, compared to a rise of $190 million in the preceding four years. These figures show that, rather than pursuing new priorities and new ideas of governance, Gov. Pataki has continued "business as usual" in feeding the growing behemoth of prison cells, at the expense of classrooms.

The Rockefeller Laws and Their Consequences

Another pattern overseen by the Pataki administration during the last four years is the declining number of violent offenders entering the New York State prison system. Since 1993, the percentage of state prison commitments represented by violent offenders has declined from 35% to 27%. **Fully 62.5% of all the people sent to prison in New York in 1997 were convicted of non-violent offenses**[5]. If New York voters thought, in 1994, that they were electing a governor to fill the prisons with violent offenders, they have been sorely disappointed.

Fully 62.5% of all the people sent to prison in New York in 1997 were convicted of non-violent offenses.

There are 22,670 drug offenders in the New York State prison system, about one-third of the entire inmate population. Over 90% are there because of two mandatory sentencing laws that were passed **25 years ago**, in 1973. The **Rockefeller Drug Laws** require harsh prison terms for minor drug offenses. For example, a person convicted of selling two ounces of a narcotic or of possessing four ounces of the drug must receive a minimum prison term of 15 years to life. The **Second Offender Law** requires a prison term for all repeat felons regardless of the nature of the offense or the background or motivation of the offender.

It costs the state over $680 million a year to keep these non-violent drug offenders in prison. By way of comparison, since 1988 the state has reduced its higher education funding by $615.

These laws have also contributed to a significant racial imbalance in the state's prisons. While African Americans and Latinos make up about 25% of New York State's population, they represent 83% of the people in its prisons (and 92% of the people in New York City's jails).[6] The FBI and National Institute for Drug Abuse have

shown that whites make up the vast majority of people who consume drugs, and there is speculation that the majority of drug dealers are white.[7] **Yet, more than 90% of people doing time for a drug offense in New York State are African American or Latino** (the specific ethnic breakdown is: 47.2%, black; 46.5%, Hispanic; and 5.3%, white). Over the years, the gap between the percentages of African Americans and Latinos in prison and their representation in the general population has widened.[8]

The Cost of Corrections: Tuition Hikes at CUNY and SUNY

The imprisonment of non-violent offenders in New York is not an abstract matter for taxpayers and students. While the current administration has been pouring money into the prison budget, students at New York's colleges have been hit with tuition increases, hikes in incidental fees, and composite cuts in student aid. **One of Governor Pataki's first acts in office was to raise tuition fees in the SUNY system by $750**. The year following that decision, enrollment at SUNY schools dropped by 10,000 students. **According to data compiled by the Student Association of the State of New York, tuition has been rising at above the rate of inflation since 1991: the last three years have seen the biggest jumps in tuition in New York history**. Students and their families are now paying $3,400 a year to attend classes in the SUNY system.[9] Including books, extra fees and room and board, the cost of attending the SUNY system for an undergraduate jumped from $7,319 in 1991, to $ 11,201 by 1997 - a 35 % increase.

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Over the decade, New York State has shifted more of the cost of running CUNY to New York City and its students. Since 1988, the state share of the CUNY budget has dropped from 76.7%, to

49%. (New York City, by contrast, has more than doubled its funding of CUNY since 1988). During the same period of time, the share of the City University budget covered by tuition, student paid incidental fees, and other revenue has increased from 18% to 47%, and tuition fees for full-time undergraduates has nearly doubled from $1,250, to $3,400.[10]

There are more blacks (34,809) and Hispanics (22,421) locked up in prison than there are attending SUNY, where there are 27,925 black and 17,845 Hispanic students.

Impact: Young People of Color Hardest Hit

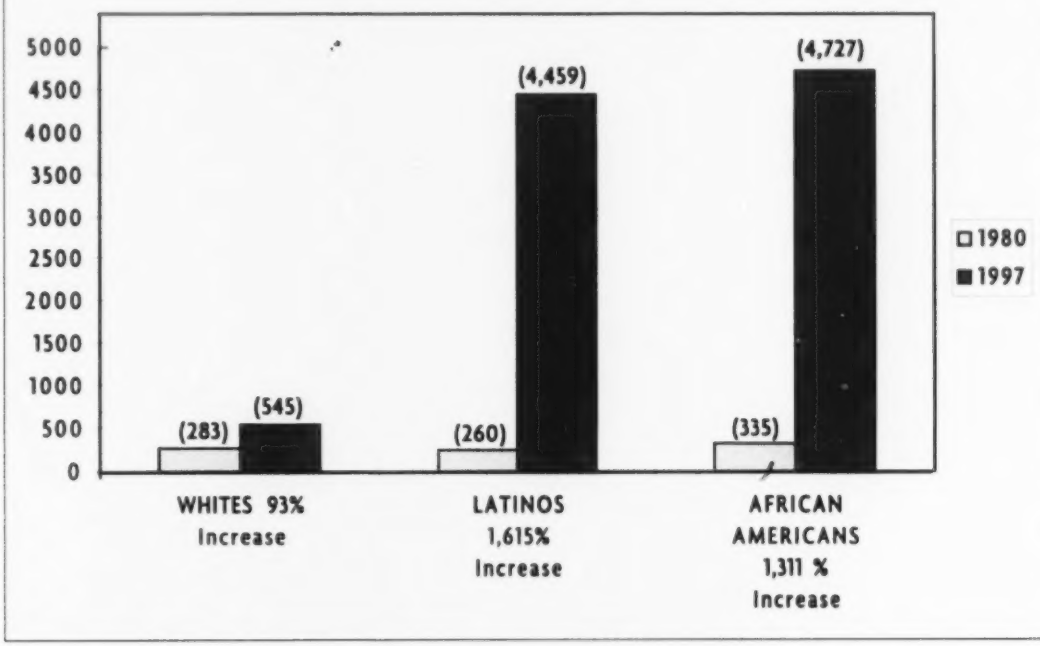
Since the Rockefeller Drug Laws were brought into effect in 1973, New York State has witnessed a substantial increase in the number of young people of color entering its prison system - eclipsing the increases people of color have achieved in college enrollment. For white youth, "going upstate" probably means attending one of the dozen good SUNY schools in the region. For black and Hispanic youth, the term more likely refers to a trip to one of the state's shiny new prisons. ***There are more blacks (34,809) and Hispanics (22,421) locked up in prison than there are attending SUNY, where there are 27,925 black and 17,845 Hispanic students.***[11]

The differing futures for youth heading upstate are even more pronounced when expressed in terms of the drug laws and people of color successfully completing their degrees. **Since 1989, there have been more blacks entering the prison system for drug offenses each year than there were graduating from SUNY with undergraduate, masters and doctoral degrees - combined.**[12] In 1997, 4,727 African Americans entered prison in New York on a drug offense, and 4,054 left the state's premier university system with a

degree. **During that same year, the number of Latinos who graduated from SUNY (2,563) was not even half the number who entered prison on a drug conviction (4,459).**

While the number of whites entering New York prisons for drug offenses has doubled from 263 to 545 between 1980 and 1997 (an increase of 107% over the period), there has been a 1,311% increase in the number of blacks committed for drug offenses, and an

Table 2. Changes in Annual Drug Offense Commitments, by Race.

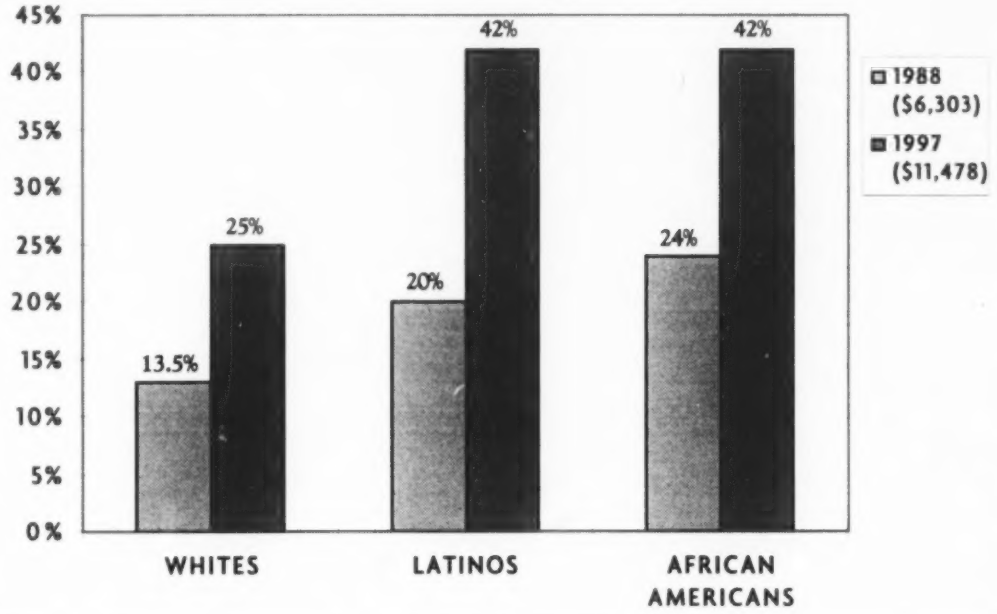


astonishing 1,615% increase in the number of Hispanics.[13] Ironically, back in 1980, roughly the same number of Blacks (335), Latinos (260) and whites (283) were being sent to prison for drug offenses.

As is evident in the drug commitment statistics, the Rockefeller Drug Laws have contributed significantly to the increase of people of color in the prisons. Conversely, the tuition increases for SUNY have had a disproportionate impact for black and Hispanic families, who have always had lower median income than white families.

In 1988, SUNY administrators estimated "total undergraduate student cost" (including tuition and incidental fees, room, board, books, transportation and other costs) to be $6,303.[14] At that time, those costs represented 13.5% of the national white median family income, 20% of the Latino family income, and 24% of the African American family income.[15] The disproportionate burden experienced by families of color intensified, as the total cost of attending SUNY rose to $11,478 by 1997. Today, these costs represent 25% of the white median family income - a significant rise, in itself, but

Table 3. Tuition Cost Increases Shown in Percentages of Median Family Income, by Race.



not as devastating as the rise witnessed for families of color. **Currently, the cost of attending SUNY is 42% of the national median family income for both blacks and for Latinos: double what it was in 1988.**

The specter of what is happening in the CUNY system also hangs over the future opportunities for people of color. Between 1966 and 1997, the freshmen class of the CUNY went from being composed of 4% minority students to 68% today.[16] The CUNY

system has been widely credited with providing relatively accessible higher education to New York's working poor, new immigrants, and minority populations. The high cost of incarcerating petty drug offenders puts a heavy strain on the state's resources which would be better spent on keeping CUNY a viable, well-funded and accessible institution.

Recommendation: End the Rockefeller Drug Laws

Each inmate held under the Rockefeller Drug Laws costs the state $30,000 a year to keep behind bars - roughly the cost of tuition of 9 students at CUNY and the SUNY systems. Yet most residential drug treatment programs cost less than $20,000 per participant per year, and some outpatient programs cost just $2,700 a year.[17] New Yorkers are squandering many millions of dollars each year by locking up petty drug offenders for long mandatory sentences, when other sensible approaches exist. Research from such diverse sources as the RAND's Drug Policy Research Center, the National Institute of Drug Abuse, and the University of Delaware has shown, for example, that drug treatment is not only a more benign intervention for the addict/offender, but also is more effective in reducing crime associated with the drug trade than mandatory sentences or incarceration.[18]

Reliance on these misguided policies has forced New York's political leaders to choose between funding libraries or prisons, classrooms or cell blocks, books or bars. The message of the state's experience is unmistakable: These laws are wasteful, ineffective, and unjust. It is time for state policy makers to remove these statutes from New York's penal code and to return sentencing discretion to judges in all drug cases. Under this system, judges would still be able to send drug offenders away for long periods of time. They would also have the option to sentence people to alternative punishments that include intensive drug treatment.

By adopting this approach, the state could begin restoring the proper balance in the allocation of resources between practices that unnecessarily punish and control people, like the incarceration of non-violent offenders, and programs like higher education that support people and provide them with the opportunity to make a better life.

The Justice Policy Institute is a policy development and research body which promotes effective and sensible approaches to America's justice system. The Correctional Association of New York is a policy analysis and advocacy organization focused on prison and criminal justice issues.

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For more information on State and National funding trends or higher education and corrections, please visit our higher educationvs. corrections website at www.cjcj.org/clearinghouse.html.

Endnotes

1 Figures based on a academic year budgeting. The New York State Legislature's Ways and Means Committee, Higher Education Analyst, August 29, 1998; Pleven, Liam. "Cut and Slash: Pataki vetoes $760 million from election-year budget." *Newsday*, April 27, 1998. Confirmed by Ways and Means Staff, August 27, 1998.

2 For the purposes of this study, we did not include capital spending on higher education or corrections projects. Ibid.

3 "Mandatory Sentencing Laws and Drug Offenders in New York State," *The Correctional Association of New York*. New York: New York, 1998.

4 Based on a table generated by the University System of Maryland's public information office, drawn from The Chronicle of Higher Education (11,1: 1996); (8, 2: 1996), and The Survey of Current Business (11, 1996).

5 "Mandatory Sentencing Laws and Drug Offenders in New York State," *The Correctional Association of New York*. New York: New York, 1998.

6 "Rockefeller Drug Law Reform," *The Correctional Association of New York*. New York: New York, 1998.

7 National Household Survey on Drug Abuse: 1996. Washington, DC: Department of Health and Human Services, July, 1997.

8 Ibid.

9 "The SASU Response to the Governor's Budget," *The Student Association of the State University of New York*. Albany, New York: February, 1988

10 Data supplied by the CUNY's Office of Institutional Research and Analysis.

11 "Ethnic Distribution of Inmates Under Custody of Department of Correctional Services Facilities," State Department of Correctional Services, September 1, 1998.

12 Special data set, generated by State Department of Correctional Services, data analysis unit, measuring new court commitments, 1973 to 1997, by race and ethnicity.

13 Ibid.

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15 Median family income data taken from, Mishel, Lawrence et al. The State of Working America, 1998-99. IthicaL Cornell University Press, 1998.

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